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8 Attorneys for Plaintiffs

9 **UNITED STATES DISTRICT COURT**  
10 **NORTHERN DISTRICT OF CALIFORNIA**

11 ERIC NICHOLS, an individual; SARA FOLEY,  
12 an individual,

13 Plaintiffs,

14 v.

15 CITY OF VALLEJO a municipal corporation;  
16 WAYNE TUCKER in his official capacity as CHIEF  
17 JOSEPH KREINS for the CITY OF VALLEJO;  
18 OFFICER fnu CLARK, individually and in his official  
19 capacity as a police officer for the CITY OF  
20 VALLEJO; OFFICER fnu JOSEPH, individually and  
21 in his official capacity as a police officer for the CITY  
22 OF VALLEJO; OFFICER fnu TAI, individually and in  
23 his capacity as a police officer for the CITY OF  
24 VALLEJO; OFFICER fnu GREENBERG, individually  
25 and in his capacity as a police officer for the CITY OF  
26 VALLEJO; and DOES 1-10, inclusive; individually  
and in their official capacities as police officers for the  
CITY OF VALLEJO,

Defendant(s).

**Case No. C-12-04851 DMR**

**NOTICE OF VOLUNTARY  
DISMISSAL**

1 THIS IS A NOTICE TO THE COURT THAT Plaintiffs, ERIC NICHOLS and SARA  
2 FOLEY, along with their counsel, in accord, ask the Court to grant a voluntary dismissal of this  
3 action without prejudice pursuant to FRCP 41(a)(1). Counsel for Plaintiff mistakenly filed this  
4 action in the wrong jurisdiction of the federal court system, and with the Court's permission, this  
5 action will be re-filed in the Eastern District Court of California. As of today, Defendants have not  
6 served an answer to Plaintiffs' Complaint giving the Plaintiffs a chance to correct the error.  
7

8 Plaintiff's counsel will bear their own attorney's fees and cost for the filing of this lawsuit.  
9

10 DATED: October 11, 2012

**THE LAW OFFICES OF JOHN L. BURRIS**

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12  
13 /s/DeWitt M. Lacy

DeWitt M. Lacy

Attorneys for Plaintiffs  
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